

AMENDED IN ASSEMBLY MAY 23, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1169**

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**Introduced by Assembly Member Torrico**  
***(Principal coauthor: Assembly Member Cohn)***  
***(Coauthors: Assembly Members Benoit, DeVore, and Jones)***

February 22, 2005

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An act to amend Sections 241.3, and 243.3 of, and to add Section 241.35 to, the Penal Code, relating to crimes against transit district operators.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as amended, Torrico. Transit district operators: assault and battery: penalties.

Existing law makes it an offense to assault any person on the property of, or on a motor vehicle of, a public transportation provider, and provides that the offense is punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail not to exceed one year, or by both the fine and imprisonment.

This bill would provide, in addition, that when an assault is committed against the operator of a transit district's vehicle while the operator is performing his or her duties, and the person knows or reasonably should know that the victim is engaged in the performance of his or her duties, the offense shall be punished by a fine not to exceed \$5,000 or by imprisonment in a county jail not to exceed one year, or by both the fine and imprisonment.

This bill would further provide that when an assault is committed against the operator of a transit district's vehicle while the vehicle is in

motion, the offense would be punished by a fine not exceeding ~~\$5,000~~ ~~\$10,000~~ or by imprisonment in a county jail ~~for not less than 10 days~~ ~~and~~ not exceeding one year, or by both the fine and imprisonment.

Existing law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, the penalty is imprisonment in a county jail not exceeding one year, or a fine not exceeding \$10,000, or both the fine and imprisonment.

This bill would provide that a battery committed against the operator of a transit district's vehicle while the vehicle is in motion would be punishable by a fine not exceeding ~~\$10,000~~ ~~\$15,000~~, or by imprisonment in a county jail ~~for at least 12 days and not more than~~ ~~exceeding~~ one year, or by both that imprisonment and fine.

By expanding the scope of an existing crime, and creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 241.3 of the Penal Code is amended to
- 2 read:
- 3 241.3. (a) (1) Except as provided in paragraph (2), and
- 4 Section 241.35 when an assault is committed against any person
- 5 on the property of, or on a motor vehicle of, a public
- 6 transportation provider, the offense shall be punished by a fine
- 7 not to exceed two thousand dollars (\$2,000), or by imprisonment
- 8 in a county jail not to exceed one year, or by both the fine and
- 9 imprisonment.
- 10 (2) When an assault is committed against the operator of a
- 11 transit district's vehicle while the operator is performing his or
- 12 her duties, and the person knows or reasonably should know that
- 13 the victim is engaged in the performance of his or her duties, the
- 14 offense shall be punished by a fine not to exceed five thousand

1 dollars (\$5,000), or by imprisonment in a county jail not to  
2 exceed one year, or by both the fine and imprisonment.

3 (b) As used in this section, “public transportation provider”  
4 means a publicly or privately owned entity that operates, for the  
5 transportation of persons for hire, a bus, taxicab, streetcar, cable  
6 car, trackless trolley, or other motor vehicle, including a vehicle  
7 operated on stationary rails or on a track or rail suspended in air,  
8 or that operates a schoolbus.

9 (c) As used in this section, “on the property of” means the  
10 entire station where public transportation is available, including  
11 the parking lot reserved for the public who utilize the  
12 transportation system.

13 SEC. 2. Section 241.35 is added to the Penal Code, to read:

14 241.35. When an assault is committed against the operator of  
15 a transit district’s vehicle while the vehicle is in motion, the  
16 offense shall be punished by a fine not exceeding ~~five thousand~~  
17 ~~dollars—(\$5,000)~~ *ten thousand dollars (\$10,000)* or by  
18 imprisonment in a county jail for not less than 10 days and not  
19 exceeding one year, or by both the fine and imprisonment.

20 SEC. 3. Section 243.3 of the Penal Code is amended to read:

21 243.3. (a) Except as provided in subdivision (b) or (c), when  
22 a battery is committed against the person of an operator, driver,  
23 or passenger on a bus, taxicab, streetcar, cable car, trackless  
24 trolley, or other motor vehicle, including a vehicle operated on  
25 stationary rails or on a track or rail suspended in the air, used for  
26 the transportation of persons for hire, or against a schoolbus  
27 driver, or against the person of a station agent or ticket agent for  
28 the entity providing the transportation, and the person who  
29 commits the offense knows or reasonably should know that the  
30 victim, in the case of an operator, driver, or agent, is engaged in  
31 the performance of his or her duties, or is a passenger the offense  
32 shall be punished by a fine not exceeding ten thousand dollars  
33 (\$10,000), or by imprisonment in a county jail not exceeding one  
34 year, or by both that fine and imprisonment.

35 (b) If the battery is committed against the operator of a transit  
36 district’s vehicle while the vehicle is in motion, the offense shall  
37 be punished by a fine not exceeding ~~ten thousand dollars~~  
38 ~~(\$10,000)~~ *fifteen thousand dollars (\$15,000)*, or by imprisonment  
39 in a county jail ~~for not less than 12 days and~~ not exceeding one  
40 year, or by both that fine and imprisonment.

1 (c) If a violation of subdivision (a) results in an injury to that  
2 victim, the offense shall be punishable by a fine not exceeding  
3 ten thousand dollars (\$10,000) or by imprisonment in a county  
4 jail not exceeding one year, or in the state prison for 16 months,  
5 two, or three years, or by both that fine and imprisonment.

6 SEC. 4. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the  
11 penalty for a crime or infraction, within the meaning of Section  
12 17556 of the Government Code, or changes the definition of a  
13 crime within the meaning of Section 6 of Article XIII B of the  
14 California Constitution.